

City Council Introduction: **Monday**, September 10, 2001
Public Hearing: **Monday**, September 17, 2001, at **1:30 p.m.**

Bill No. 01-144

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3336**, from I-1 Industrial to R-7 Residential, requested by Rex Anderson, on property generally located at 19th & Dudley Streets.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/22/01
Administrative Action: 08/22/01

RECOMMENDATION: Approval (8-0: Krieser, Steward, Schwinn, Newman, Duvall, Carlson, Taylor and Bayer voting 'yes'; Hunter absent).

FINDINGS OF FACT:

1. The Planning staff recommendation to approve this change of zone request is based upon the following analysis:
 - A. The Urban Development Department supports this request.
 - B. The Public Works & Utilities Department supports this request.
 - C. The Antelope Valley project suggests this area should be residential.
 - D. Creating more residential will offset some of the residential displaced by the Antelope Valley project.
 - E. This project readjusts the zoning lines to be consistent with the current use (residential) in order to preserve the existing housing stock.
 - F. These lots are outside the Antelope Creek designated 100-year flood plain area.
2. The applicant's testimony and other testimony in support is found on p.5-6, and the record consists of 13 letters in support, including the Clinton Neighborhood Organization (p.013-025).
3. There was no testimony in opposition; however, the record consists of one letter in opposition from a property owner on the east side of No. 19th Street (p.026). This change of zone request only applies to the west side of No. 19th Street.
4. On August 22, 2001, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 4, 2001

REVIEWED BY: _____

DATE: September 4, 2001

REFERENCE NUMBER: FS\CC\FSCZ3336

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3336
N 19th and Dudley Street

DATE: August 3, 2001

PROPOSAL: Rex Anderson requests a change of zone from I-1, Industrial to R-7, Residential in order to preserve the residential character of the western portion of the Clinton Neighborhood. This proposal is in response to the Antelope Valley report.

LAND AREA: 1.45 acres, more or less.

CONCLUSION: This project is consistent with the goals and strategies of the Comprehensive Plan.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-12 Wilkensons Subdivision in the North ½ of Section 24 T10N R6E.

LOCATION: 19th and Dudley Street

APPLICANT: Rex Anderson
1328 N. 19th Street
Lincoln, NE 68503

CONTACT: Kent Seacrest
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508
(402)435-6000

EXISTING ZONING: I-1, Industrial

EXISTING LAND USE: Single and Multi-family residential uses.

SURROUNDING LAND USE AND ZONING:

North: I-1 Industrial
South: I-1 Industrial
East: R-4 Residential with single family residential
West: I-1 Industrial

HISTORY:

This area was zoned L, Heavy Industrial District until the zone was updated to I-1, Industrial during the zoning update of 1979.

On **November 25, 1992**, Planning Commission approved Special Permit #1449 which approved the installation of new cement handling equipment over 75 feet in height for a new concrete batching facility on property located at 1822 Y Street.

The Clinton Neighborhood Focus Area Plan was developed by the Urban Development Department with the Clinton Neighborhood Association. A goal of the plan was to reduce land use conflicts by modifying existing zoning boundaries to better reflect residential and industrial areas.

The Antelope Valley Study “The Big Picture”, sponsored by the Antelope Valley Advisory Committee, Joint Antelope Valley Authority, City of Lincoln, University of Nebraska-Lincoln and the Lower Platte South Natural Resources District was published on July 17, 2000. A copy of the map has been included in this report.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan of the Comprehensive Plan specifies this area as Industrial. However, this project is in conformance through the Antelope Valley Comprehensive Plan Amendment.

The Antelope Valley Major Reinvestment Roadway has been incorporated into the Comprehensive Plan (page 106). The Comprehensive Plan specifies in existing urban residential areas that there are certain reinvestment needs. A strategy to achieve reinvestment is to;

“Develop a community revitalization plan, followed by a more specific redevelopment plan for the area impacted by the Antelope Valley project to coordinate and maximize reinvestment in the area, including strategies for relocated and affordable housing” (page 50)

A partnership between the City of Lincoln, the Lower Platte South Natural Resources District and the University of Nebraska helped to create in spring of 2000 the Joint Antelope Valley Authority (JAVA). JAVA was created to complete the study phase and facilitate the implementation of the Antelope Valley project, the first phase of which is community revitalization as indicated within the reinvestment strategy.

TRAFFIC ANALYSIS: 19th Street and Dudley Street are both classified as local streets in the Comprehensive Plan.

PUBLIC SERVICE: The nearest fire station is Fire Station #1 located at 1801 Q Street.

ANALYSIS:

1. The Urban Development Department supports this request.

2. The Public Works & Utilities Department supports this request.
3. The Antelope Valley project suggests this area should be residential.
4. Creating more residential will offset some of the residential displaced by the Antelope Valley project.
5. This project readjusts the zoning lines to be consistent with the current use (residential) in order to preserve the existing housing stock.
6. These lots are outside the Antelope Creek designated 100-year flood plain area.

Prepared by:

Becky Horner
Planner

CHANGE OF ZONE NO. 3336

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 22, 2001

Members present: Krieser, Steward, Schwinn, Newman, Duvall, Carlson, Taylor and Bayer; Hunter absent.

Planning staff recommendation: Approval.

This application was removed from the Consent Agenda and scheduled for separate public hearing due to a letter in opposition from Rebecca Hasty, 1335 No. 19th Street.

Becky Horner of Planning staff submitted a letter in support from Maurice Baker, 3259 Starr Street.
Proponents

1. Rex Anderson, 1328 No. 19th Street, submitted a letter in support from four affected property owners. This is a small sliver of a change for the even side of the street only to better reflect how the property is actually used. There are some businesses across the street. This is not an attempt to run industry out but only to show the actual existing usage of the property. If UNL wants to expand, they will. If the city wants to redevelop or improve, they will. These properties are nonconforming. When Anderson was looking for homeowners insurance, he found out that because his property is nonconforming, if his property is over 50% damaged, he has to bulldoze it down. This change of zone will be a peace of mind for the homeowners and the mortgage holders as well. The nonconforming issue could also have an impact on potential sale of the property.

Newman asked why R-7 instead of R-4. Anderson explained that 1414 No. 19th is an existing multiplex apartment building which requires R-7 zoning. He also clarified that this change does not include the west side of the street because there are a lot of businesses on that side as well as the person who wrote the letter in opposition (Rebecca Hasty). That property will not change. 1335 No. 19th is not included in this change of zone request.

2. Delores Lintel, 1125 No. 25th, a resident of neighborhood for over 40 years, testified in support, stating that this area has a sprinkling of zoning that has become inconsistent with the way the area has developed over the years. There are businesses and industry mixed in with residential. There are residential homes built on land zoned for industry. As redevelopment is considered for this area, it is important to have appropriate, stable and enforceable zoning. The zoning line needs to be drawn where it needs to be. This change of zone does not do any damage to the businesses along the west side of 19th Street. The property owners on the east side of the street want protection. The first defined goal of the Clinton Neighborhood Organization is to preserve the historic and residential character of the neighborhood through compatible land usage. The Clinton Neighborhood Organization recently developed a focus area action plan which further defined that goal to reduce land use conflicts by modifying existing zoning boundaries to better reflect the residential and industrial areas. This is an important decision for the Clinton Neighborhood and Lintel requested approval.

3. Kent Seacrest, member of Antelope Valley Study Team charged with developing transportation, stormwater and community revitalization strategies, testified in support. Over the five-year period, the Study Team has worked with the public on hundreds of solutions and an amended draft single package received government approvals and is now in the Comprehensive Plan. Through that process, it was noted that this particular street had real interest—it is one of the most hodge-podged streets in Lincoln with houses in between industries on the west side of the street. This change of zone is the consistent part of the street. It just did not make sense to have nonconforming uses with good residential dwellings. The Study Team also looked at the transportation network and the Antelope Valley plan reconfigures 17th Street and closes the railroad crossing at 17th, which will quiet down Holdrege Street. As a result, this west edge of this neighborhood has a chance to sustain itself. In the Antelope Valley plan, a lot of the businesses, particularly Nebco, actively participated and the plan shows the quieting of this street down to closure or limited access to Holdrege some day. This is consistent as expressed by Urban Development, Planning, Public Works, the University and the NRD. This will strengthen the area.

There was no testimony in opposition.

Public hearing was closed.

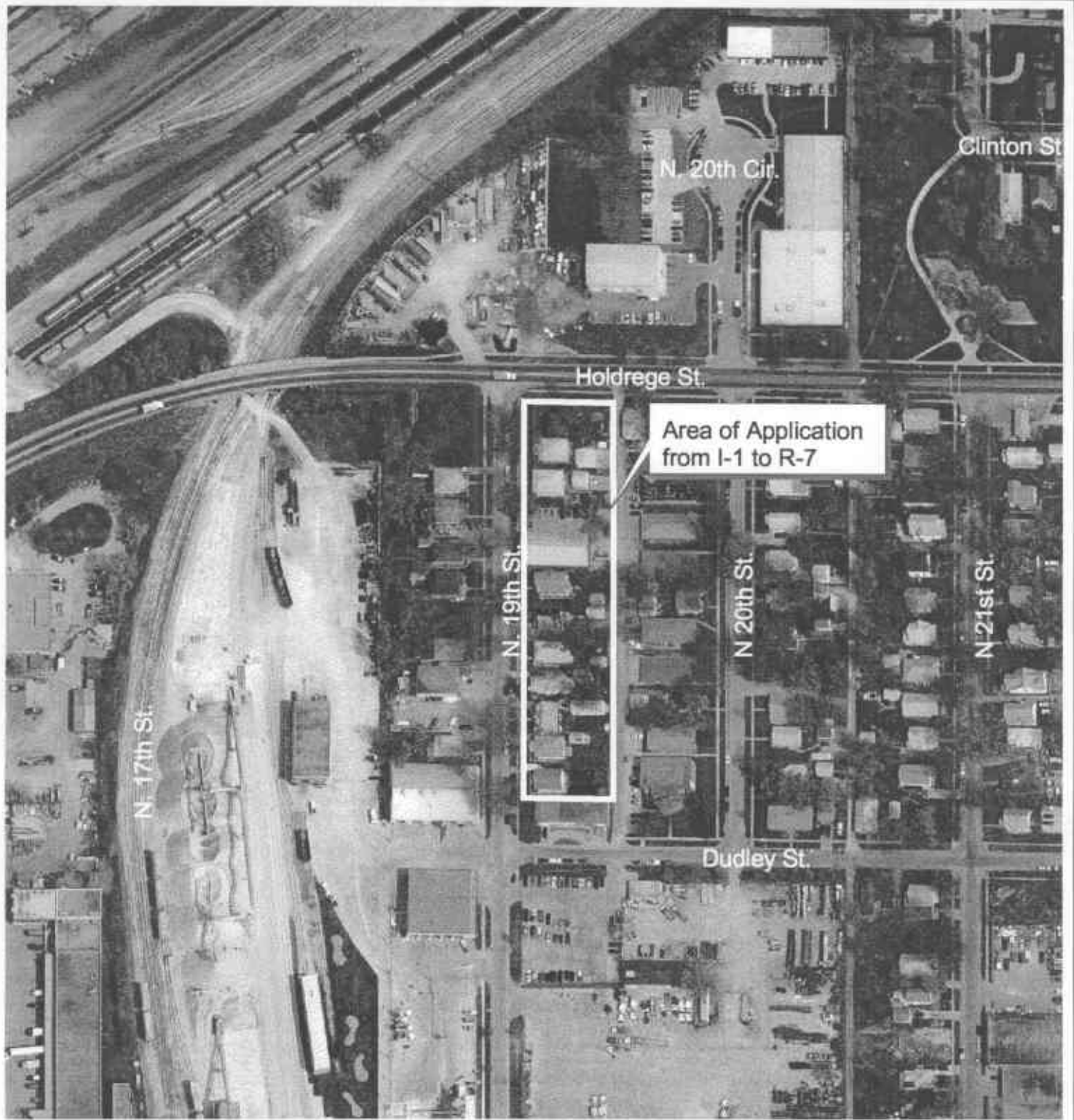
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 22, 2001

Newman moved approval, seconded by Duvall.

Duvall is happy that Seacrest has come forward and helped the neighborhood organization get things put in order. There are neighborhoods that have been forgotten and this is a good housekeeping issue.

Motion for approval carried 8-0: Krieser, Steward, Schwinn, Newman, Duvall, Carlson, Taylor and Bayer voting 'yes'; Hunter absent.



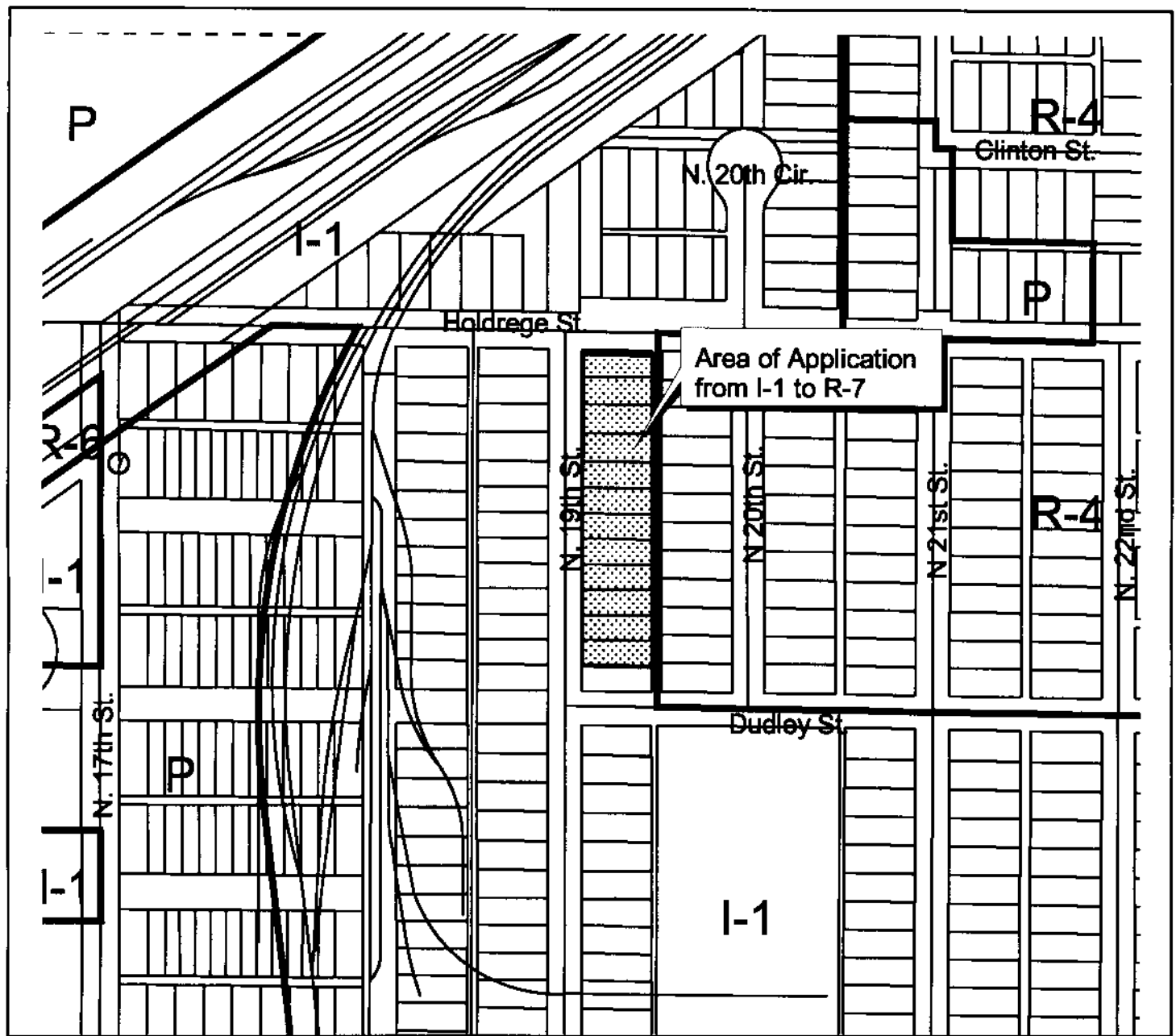
**Change of Zone #3336
19th & Dudley St.**



007

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

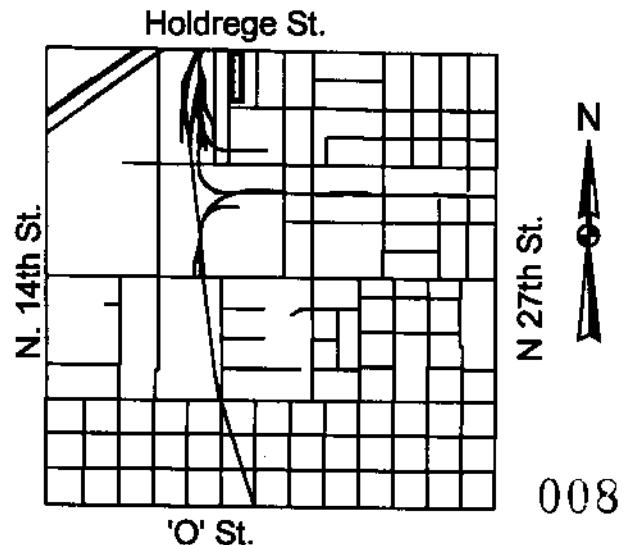
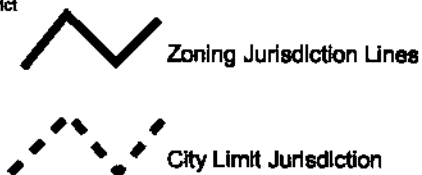


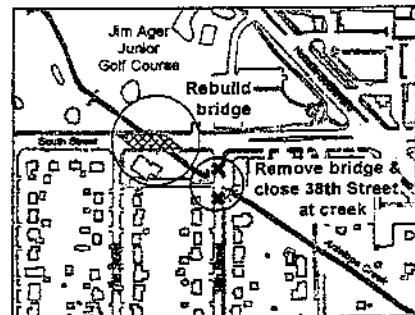
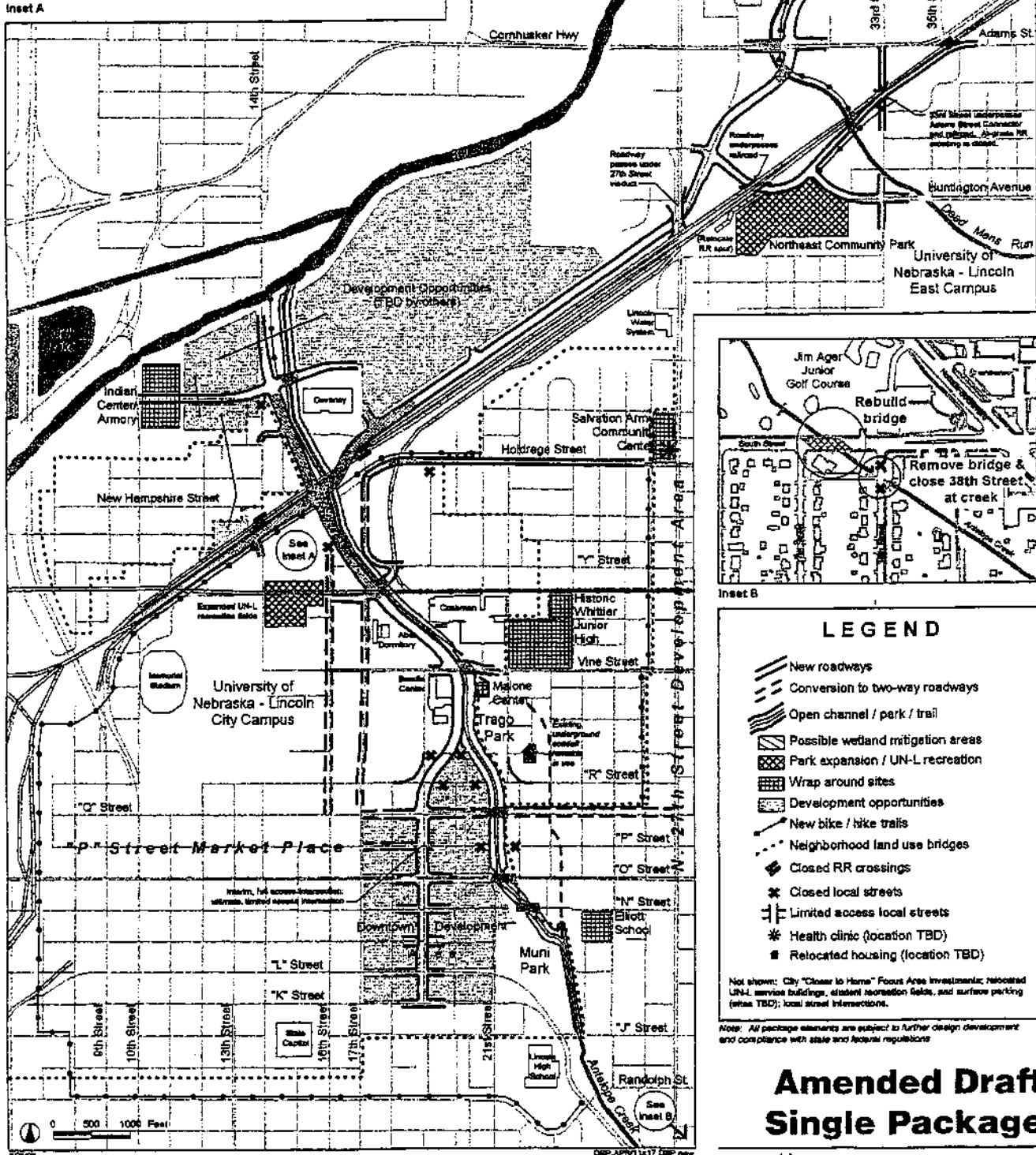
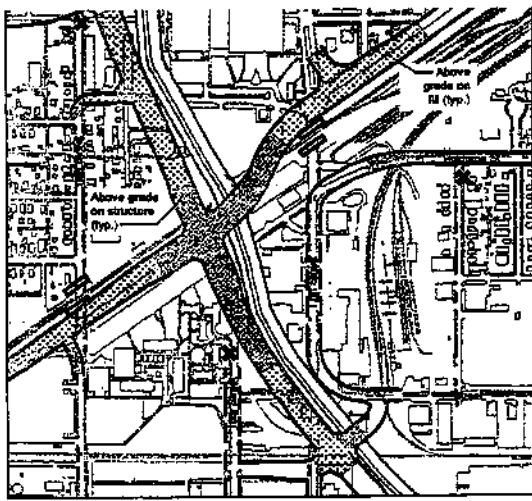
Change of Zone #3336 19th & Dudley St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 24 T10N R6E





LEGEND

- New roadways
- Conversion to two-way roadways
- Open channel / park / trail
- Possible wetland mitigation areas
- Park expansion / UN-L recreation
- Wrap around sites
- Development opportunities
- New bike / hike trails
- Neighborhood land use bridges
- Closed RR crossings
- Closed local streets
- Limited access local streets
- Health clinic (location TBD)
- Relocated housing (location TBD)

Not shown: City "Close to Home" Focus Area Investment; relocated UN-L service buildings, student recreation fields, and surface parking (sites TBD); local street interchanges.

Note: All package elements are subject to further design development and compliance with state and federal regulations.

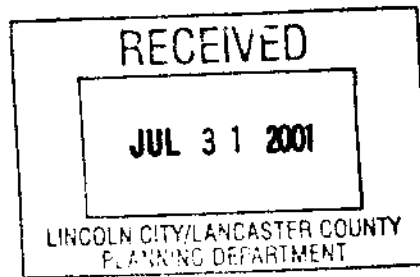
Amended Draft Single Package

009



ANTELOPE VALLEY
MAJOR INVESTMENT STUDY
City of Lincoln, Nebraska

CLINTON NEIGHBORHOOD ORGANIZATION



A 501(c)(3) Corporation

2121 North 27th Street, Lincoln, NE 68503

July 30, 2001

Lincoln Lancaster Planning Department
555 S. 10th St. Room 213
Lincoln, NE 68508

This letter is in regard to the Petition to Amend the Zoning Ordinance, change of zone from I-1 to R-7 (No.C2 3334). The Clinton Neighborhood Association (CNA) in writing the Clinton Neighborhood Focus Area Action Plan set as one of its goals was to reduce land use conflicts by modifying existing zoning boundaries to better reflect residential and industrial areas.

Adjacent to the I-1 zoning exists a residential area of R-4. The I-1 area works contrary to CNA's priority goal of rehabilitating existing housing stock and increasing the number of owner occupied dwellings. The Clinton Neighborhood Association supports the change in zone from I-1 to R-7.

If there are any further questions you can call me at 435-0285.

Sincerely

A handwritten signature in cursive script, appearing to read "Carl D. Tesch".

Carl D. Tesch
President
Clinton Neighborhood Organization

cc

Rex Anderson
Kent Seacrest
Delores Lintel

Lincoln



Nebraska's Capital City

July 23, 2001

Kathleen Sellman, Director
Lincoln Lancaster Planning Department
555 S. 10th Street, Rm 213
Lincoln, NE 68508

Dear Kathleen:

This letter is in regards to the Petition to Amend the Zoning Ordinance, change of zone from I-1 to R-7 (No. C2 3334). The Urban Development Department worked with the Clinton Neighborhood Association (CNA) in writing the *Clinton Neighborhood Focus Area Action Plan*, and one of the goals set by the neighborhood was to reduce land use conflicts by modifying existing zoning boundaries to better reflect residential and industrial areas.

Adjacent to the I-1 zoning, exists a residential area of R-4. The I-1 area works contrary to CNA's priority goal of rehabilitating existing housing stock and increasing the number of owner occupied dwellings. The Urban Development Department supports the change in zone from I-1 to R-7.

Call me at 441-7855 if you have any questions.

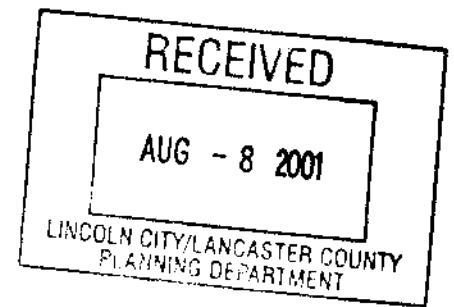
Sincerely,

Ernesto Castillo
Community Development Specialist

cc. Carl Tesch, CNA President
Marc Wullschleger
Wynn Hjermstad

011

M e m o r a n d u m



To: Becky Horner, Planning
From: *Dennis Bartels*, Public Works and Public Utilities Department
Subject: Change of Zone #3336
Date: August 8, 2001
cc: Roger Figard, Nicole Fleck-Tooze, Bruce Sweney, Jerry Obrist

Engineering Services has reviewed the proposed change of zone from I1 to R7 along the east side of 19th south of Holdrege and has the following comment:

There is only a 4" water main in 19th Street between Holdrege and 'Y' Street. High density apartments that might be allowed by the R7 zoning may require a larger water main to provide adequate fire protection. This also true of potential uses in the existing I1 zoning.

fcj change of zone #3336 ddb

Dear City Council Person;

This letter is to request a zoning change for the east and west sides of No. 19th street as illustrated below. The current zoning is I1 and we are requesting a change to R7 as agreed with all homeowners within the said area. We feel this would add more stability as well as conform with its current use. It is currently all single family residences within this area with one exception being a twelve unit multi-family dwelling at 1414 No. 19th St.. Your consideration is appreciated.

I/We agree to the outlined zoning change from I1 to R7.

Daniel Forfara
Signature

1407 N 19th STREET
Address

Dear City Council Person;

This letter is to request a zoning change for the east and west sides of No. 19th street as illustrated below. The current zoning is I1 and we are requesting a change to R7 as agreed with all homeowners within the said area. We feel this would add more stability as well as conform with its current use. It is currently all single family residences within this area with one exception being a twelve unit multi-family dwelling at 1414 No. 19th St.. Your consideration is appreciated.

I/We agree to the outlined zoning change from I1 to R7.

ml Neuman, Chris Neuman
Signature

1428 No. 19th
Address

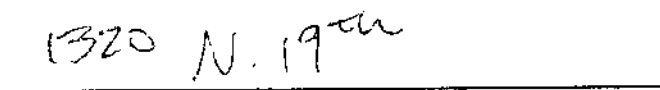
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I/We agree to the outlined zoning change from I1 to R7.

A handwritten signature in black ink, appearing to read "Tom", written over a horizontal line.

Signature

A handwritten address "1320 N. 19th" in black ink, written over a horizontal line.

Address

Dear City Council Person;

This letter is to request a zoning change for the east and west sides of No. 19th street as illustrated below. The current zoning is I1 and we are requesting a change to R7 as agreed with all homeowners within the said area. We feel this would add more stability as well as conform with its current use. It is currently all single family residences within this area with one exception being a twelve unit multi-family dwelling at 1414 No. 19th St.. Your consideration is appreciated.

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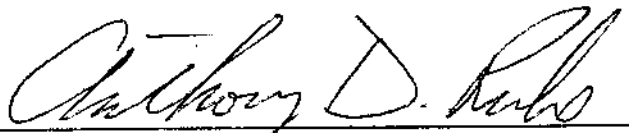
Mike Addina L. Dwyer
Signature

1330 No. 19th
Address

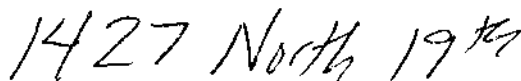
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I/We agree to the outlined zoning change from I1 to R7.

A handwritten signature in cursive script, appearing to read "Anthony D. Parks", written over a horizontal line.

Signature

A handwritten address "1427 North 19th" written over a horizontal line.

Address

Dear City Council Person;

This letter is to request a zoning change for the east and west sides of No. 19th street as illustrated below. The current zoning is I1 and we are requesting a change to R7 as agreed with all homeowners within the said area. We feel this would add more stability as well as conform with its current use. It is currently all single family residences within this area with one exception being a twelve unit multi-family dwelling at 1414 No. 19th St.. Your consideration is appreciated.

I/We agree to the outlined zoning change from I1 to R7.

Rex A. Anderson
Caroline J. Anderson
Signature

1328 N. 19th St
Address

Dear City Council Person;

This letter is to request a zoning change for the east and west sides of No. 19th street as illustrated below. The current zoning is I1 and we are requesting a change to R7 as agreed with all homeowners within the said area. We feel this would add more stability as well as conform with its current use. It is currently all single family residences within this area with one exception being a twelve unit multi-family dwelling at 1414 No. 19th St.. Your consideration is appreciated.

I/We agree to the outlined zoning change from I1 to R7.

Ann Morris

Signature

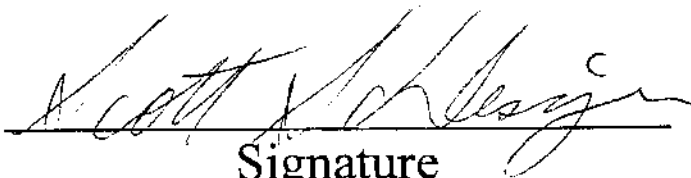
1310 No 19th St

Address

Dear City Council Person;

This letter is to request a zoning change for the east and west sides of No. 19th street as illustrated below. The current zoning is I1 and we are requesting a change to R7 as agreed with all homeowners within the said area. We feel this would add more stability as well as conform with its current use. It is currently all single family residences within this area with one exception being a twelve unit multi-family dwelling at 1414 No. 19th St.. Your consideration is appreciated.

I/We agree to the outlined zoning change from I1 to R7.


Signature


Address

SUBMITTED AT PUBLIC HEARING BEFORE
PLANNING COMMISSION: 8/22/01

Dear City Council Person;

This letter is to request a zoning change for the East side of the 1300 & 1400 block of North 19th Street. The current zoning is I1 and we are requesting a change to R7 as agreed by the property owners. We feel this will add more stability to the neighborhood, as well as conform to its current use. Your consideration is appreciated.

I/We agree to the outlined zoning change from I1 to R7.

Paul E. Mywood

Signature

1336 N 19th

Address

Dear City Council Person;

This letter is to request a zoning change for the East side of the 1300 & 1400 block of North 19th Street. The current zoning is I1 and we are requesting a change to R7 as agreed by the property owners. We feel this will add more stability to the neighborhood, as well as conform to its current use. Your consideration is appreciated.

I/We agree to the outlined zoning change from I1 to R7.

Amy Milins
Signature

1320 N. 19th
Address

Dear City Council Person;

This letter is to request a zoning change for the East side of the 1300 & 1400 block of North 19th Street. The current zoning is I1 and we are requesting a change to R7 as agreed by the property owners. We feel this will add more stability to the neighborhood, as well as conform to its current use. Your consideration is appreciated.

I/We agree to the outlined zoning change from I1 to R7.

Donald Kleni

Signature

owner
1414 N. 19th ST-

Address

Dear City Council Person;

This letter is to request a zoning change for the East side of the 1300 & 1400 block of North 19th Street. The current zoning is I1 and we are requesting a change to R7 as agreed by the property owners. We feel this will add more stability to the neighborhood, as well as conform to its current use. Your consideration is appreciated.

I/We agree to the outlined zoning change from I1 to R7.

J. G. Fontana

Signature

1410 N. 19th St.

Address

August 21, 2001

Good morning -

I am Delores Lintel a member of the board of the Clinton Neighborhood Organization and a resident of the neighborhood for over forty years .

Clinton is one of the older neighborhoods of the city and, therefore, has a sprinkling of zoning that has become inconsistent with way the area has developed over the years. We have businesses and industry mixed in with residences and we have family homes that are built on land zone for industry.

It is very important, as we consider any redevelopment and improvement of the area, to have appropriate, stable and enforceable zoning. So, to clarify and correct some things that are wrong as they presently stand we need to draw the zoning line where it needs to be.

The first defined goal of our organization is to "preserve the historic and residential character of the neighborhood through compatible land usage" and we have worked consistently over the years to do that.

We recently developed our Focus Area Action Plan which further defined that goal - "to reduce land use conflicts by modifying existing zoning boundaries to better reflect residential and industrial areas"

This is a very important decision for our neighborhood. So, we ask that you approve the change of zone from I-1 to R-7 in the designated area along North 19th Street.

Thank you.

Delores Lintel

August 16, 2001

RE: Change of Zone No. 3336 No. 19th St. & Dudley St.

Dear City Council,

We have owned the house at 1335 No. 19th for 15 years. We love the industry in the neighborhood. "Industry makes good neighbors." They are open 8-5 and go home in the evening. They do not have pets, play loud music, or throw wild parties.

Joe Littel's printing company was sold following his death. This industrial property was immediately turned into apartments by the new owner, where approx. 7 students now dwell, with numerous pets. Their cars are strewn about the lawn, spilling over onto other property, not owned by their landlord. Their animals bark incessantly and run wild when allowed off their chains. Their music is loud. Their parties are wild. We much prefer industry.

Because there is industry, the neighborhood is accessible, open, and safe. With no parking on the west side of 19th street, to make room for the concrete trucks, no one can loiter or hang out.

The idea of blocking off traffic at the north end of 19th (and Holdrege) creates a very unsafe climate for women and children. There are numerous trees, a vacant lot, and secluded areas on 19th. In addition, the east side is adjacent to the railroad. Were the city to dead end the street at the top of 19th and Holdrege, no longer allowing the concrete trucks to travel up 19th, we feel the area would become the perfect area for illicit activity; i.e., crackhouse. Those kinds of dead-end, secluded streets, in low-income areas (i.e., Kleckner Court), are great targets for illegal activity. It is very hard for the police to secure our area particularly because of the railroad and brush running the entire length of 19th street. Were the street dead-ended, and were the police to pull up, people could certainly see them coming and hide. This is not currently the case, because of the industry in the area. The only thing saving the street at this time, is industry. The concrete Industry is what makes the area safe for women and children.

Additionally, many realtors have said that the industrial zoning actually makes our residential properties more valuable.

It would be a great disservice to the people on north 19th Street to make the area residential, rather than industrial. In addition, blocking off/dead-ending 19th street at Holdrege is a terrible idea, harmful to the health and well-being of the people living there.

If you have questions, feel free to call me.

AUG 16 2001

Rebecca Hasty
Rebecca Hasty
421-3948 or
471-3845

026